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# TOWN OF FRAMINGHAM

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**Town Manager**  
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**Assistant Town Manager**  
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**Board of Selectmen**  
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November 9, 2009

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Office of Proceedings

NOV 20 2009

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Public Record

Cynthia Brown  
Chief, Section of Administration  
Surface Transportation Board  
395 E Street, S.W.  
Washington, D.C. 20423

RE: Docket No. AB-565 (Sub-No. IX), *New York Central Lines, LLC—  
Abandonment Exemption—in Middlesex County, MA*  
Docket No. AB-55 (Sub-No. 593X), *CSX Transportation, Inc. —Discontinuance  
of Service Exemption—in Middlesex County, MA*

Dear Chief Brown:

The Town of Framingham, MA ("Framingham") requests that the Surface Transportation Board (the "Board") issue a notice of interim trail use/rail banking - pursuant to 16 U.S.C. § 1247(d) for a line of railroad that extends from railroad milepost QBS 0.00 at Framingham to railroad milepost QBS 3.40 at the Framingham town line, a distance of 3.40 miles in Middlesex County, MA, in the above-entitled proceeding. Framingham understands that the line is now owned and operated by CSX Transportation, Inc. ("CSXT"), successor by merger to New York Central Lines, LLC., and that CSXT has not consummated the abandonment of the line.

As required by the Board's rules at 49 C.F.R. § 11 52.29(a)(3), Framingham submits the following Statement of Willingness to Assume Financial Responsibility.

In order to establish interim trail use and rail banking under 16 U.S.C. 1247(d) and 49 CFR 1152.29, the Town of Framingham is willing to assume full responsibility for management of, for any legal liability arising out of the transfer or use of (unless the user is immune from liability, in which case it need only indemnify the railroad against

**FILING FEE WAIVED**

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any potential liability), and for the payment of any and all taxes that may be levied or assessed against the right-of-way owned and operated by CSX Transportation, Inc. The property, known as the Albany Division, Fitchburg Subdivision, extends from railroad milepost QBS 0.00 in Framingham to railroad milepost QBS 3.40 at the Framingham town line, a distance of 3.40 miles in Middlesex County, MA. The right-of-way is part of a line of railroad proposed for abandonment in Docket No. STB AB-565 (Sub-No. IX).

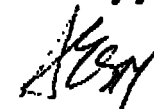
A map of the property depicting the right-of-way is attached.

The Town of Framingham acknowledges that use of the right-of-way is subject to the user's continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service. A copy of this statement is being served on the railroad on the same date it is being served on the Board.

The Town of Framingham is a local government entity. Therefore, a waiver of the filing fee is requested pursuant to 49 C.F.R. § 1102.2(e)(1).

Enclosed are the original and 10 copies of this letter. Please time and date stamp the additional copy of this letter and return it in the enclosed self addressed stamped envelop. Thank you for your assistance. If you have any questions please call or email me.

Sincerely yours,



A. Ginger Esty  
Chairwoman

Enclosure

cc: Board of Selectmen  
Julian M. Suso, Town Manager  
Christopher J. Petrini, Town Counsel  
Alison Steinfeld, Director of Planning  
Eugene Kennedy, Assistant Director  
Tom Michelman, President of FBFRT  
Bruce McMahon, CSX Regional Property Manager  
Mr. David Geraci, Manager of Network Rationalization